

COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Robert O. Call, Jr., Council District No. 6

A **special meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council was held on **Monday, February 27, 2012, at 6:34 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Robert O. Call, Jr., Chairman, Council District No. 3; Committee Members: Mr. Phillip Farley, Council District No. 1, Mrs. Cathy S. Davis, Council District No. 4, Mr. Jack H. Schurknight, Council District No. 6, Mr. Steve C. Davis, Council District No. 8; ex-officios: Mr. Daniel W. Davis, County Supervisor, Mr. Timothy J. Callanan, Council District No. 2, Mr. Dennis Fish, Council District No. 5, and Mr. Caldwell Pinckney, Jr., Council District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Call: "I'd like to call the Special Water and Sanitation Committee Meeting to order. Madam Clerk, has this meeting been properly noticed via the South Carolina Freedom of Information Act?"

Ms. Windham: "Yes sir, it has."

Chairman Call: "Thank you, mam. The only item on the agenda is..."

A. Mr. Micah Miley, BCWS Director of Engineering, Re: 8" CIPP Sectional Point Repairs.

Mr. Miley: "Good evening Chairman, Council. First, I want to give you a little bit of background on why we did this. We've been experiencing some failures with the liner inside of our ductile iron pipe used in our gravity sewer system. Ductile iron pipe is really installed in our system where, it's a great depth or it's under storm sewer crossings or water crossings. So, it's in locations where you don't want to dig back down to do repair work to it. We're finding these problems primarily during the warranty portion of the project. In order to go through with the repairs of the project we need to have good numbers to give to the warranty companies on the repairs so we obtained unit prices through this bid, for doing this internal repair of the ductile iron pipe by a process called cured in place pipe. From the bid, we selected what we typically would see, which is 4 foot, 6 foot, 8 foot, and 10 foot lengths of this repair product. And we asked for a price for each of that, as well as, a price for mobilization to each one of the job sites. Looking at the total for one each of these, or looking at each one individually, Bio-Nomic Services, Inc. gave us the lowest unit prices and we are asking for your permission to move forward with the projects, using Bio-Nomic Services, Inc."

Chairman Call: "What's the Committee's pleasure?"

Committee Member Farley: "I move for approval for discussion's sake."

Committee Member S. Davis: "Second."

Chairman Call: "I have a motion and a second. All in favor say Aye..."

Council Member Callanan: "Mr. Chairman?"

Committee Member Farley: "Forgot the discussion."

Chairman Call: "I'm sorry. Do we have a discussion?"

Council Member Callanan: "Yeah, Micah, so we're not actually doing these repairs, because we don't own the pipe yet, right?"

Mr. Miley: "We own the pipe. The system has been turned over to us and it still has a warranty standing on the project."

Council Member Callanan: "Ok, so we're not paying for it. We own it, but we're not paying for it?"

Mr. Miley: "Correct. We're going against the warranty bond or either letter of credit for the project to do these repairs and we need these price quotes from an established company to move forward with that process of obtaining the money from the bonding companies."

Council Member Callanan: "Will this put this entire thing to rest?"

Mr. Miley: "We intend to put it to rest, but until we get into it and really find out if the amount of warranty, the amount of money that is put forward with the bonds and the letters of credit is enough to cover the project. That's when we can determine if there is enough for doing it. We're quantifying each one of the projects individually and seeing what the total need is bases the total we have for the projects. Many of our projects we have plenty of money available in the warranties to cover the work. One or two may run over and where we are going to have to talk to you about how we address those issues."

Council Member Callanan: "So, we don't know exactly whether or not we have enough money in warranty bonds to cover this actual work. Is that what you're saying?"

Mr. Miley: "That is correct. If you look at the projects there are 30 projects, 32 projects we have identified right now that have ductile iron pipe issues on them."

Council Member Callanan: "Right."

Mr. Miley: "Of the 32, we're in the 27-28 range that have enough money in them. There are going to be a few that will not have enough warranty to cover the work."

Council Member Callanan: "Is it then incumbent upon the people issuing the warranty to take this issue up with the manufacturer of the pipe?"

Mr. Miley: "That's where it becomes a legal question that our Attorneys are looking at to see..."

Council Member Callanan: "But, it's not our responsibility. It would be theirs or ours?"

Mr. Miley: "We believe it's workmanship and materials. So, it's either damage during installation, which the statute of limitations is still open for putting it in. Or, it is a product failure from the manufacturer. There again, the manufacturer's responsible. So, no I do not believe we are responsible for these repairs."

Council Member Callanan: "But, it would be the developer would have to hammer it out legally between either the installer or the manufacturer of the pipe?"

Mr. Miley: "Correct, our contract is with the developer."

Council Member Callanan: "And, just out of curiosity, do we have an estimate of what this total over the 32 projects is gonna cost in order to make these pipes acceptable for us to take them in?"

Mr. Miley: "I can give you a rough estimate."

Council Member Callanan: "That would be awesome."

Mr. Miley: "I would prefer to wait until I give you an accurate estimate which would take me about another week and a half of processing data, which I can send directly to you."

Council Member Callanan: "But, you can't even have a rough one right now or no?"

Mr. Miley: "\$300,000 range total."

Council Member Callanan: "That's it? Grand total, 32 projects, about \$300,000 until you give me the exact?"

Mr. Miley: "Yes, sir."

Council Member Callanan: "Ok and then, so after that we won't hear about this issue again. Is that accurate?"

Mr. Miley: "As long as it stays out of the court system, no sir, you won't."

Council Member Callanan: "Ok, no I'm just... because the question that I get from developers on this is, you know, when is enough? You know, at one point, we issued the pipe that you told us to put in. We normally don't put in this type of pipe, the pipe is failing, or it's because of either installation or the manufacturer's problem. When are we finally free from this whole debacle?"

Mr. Miley: "Well, we've been working with developers for about 18 months now, 12-18 months now on a product. On specifications that allow other products for the same areas of deep applications of..."

Council Member Callanan: "Right."

Mr. Miley: "Of under storm crossings. So, we believe we have reached the point where everybody knows how it has to be handled precisely going in. It's being a lot less now than it was before. Developers and Contractors are choosing other products."

Council Member Callanan: "Don't blame them."

Mr. Miley: "The quantities of it going in, is much less. So yes, I do expect the number of failures we see to be much less."

Council Member Callanan: "Ok, thank you."

Committee Member S. Davis: "Mr. Chairman? I just got two concerns based on the fiscal impact I was reading. You say some cases the warranty agreement has expired and you're thinking that's maybe 5 projects per se?"

Mr. Miley: "Yes."

Committee Member S. Davis: "I mean, I'm just... and then you go a step further and said that some damage exceeds the coverage of the warranty. So, you're saying in certain instance where you have the warranty in place, the warranty is not sufficient to even cover the repairs."

Mr. Miley: "That's correct."

Committee Member S. Davis: "That's the second issue. And then, the last thing is, you say, our plan is to cover these short falls with existing maintenance budget. Does that cause any injury to any other aspect of your maintenance budget in this area?"

Mr. Miley: "All of those numbers, once we quantify them, we're going to talk to you about, before we move forward. I don't expect to see \$300,000 in over-runs. No, I'm expecting to see more in the \$20,000-\$30,000 total in over-runs between it. Which would not affect our..."

Committee Member S. Davis: "Could this Council, the Committee, be in a position that we deal with the warranty, I mean if it's possible. To address the repairs where we have the warranties first, where we know it doesn't cause any injury per se to your maintenance budget, and then keep this Council apprised on notice as potential costs may come into play with those that don't have warranties or, in circumstances where the warranty is insufficient?"

Mr. Miley: "Certainly."

Committee Member S. Davis: "I would hope that is the way we could proceed. That way I think we would keep....I don't want to deal with the day to day operation that you're doing but at the same time, I think we have an obligation to make sure that we keep some semblance of the expenses that is going to be incurred."

Mr. Miley: "I fully understand and think it's a reasonable request and I think it's something we can do without a problem. But, I needed to establish an approved budget number for us to be able to move forward to the next step. It's what we need to accomplish."

Committee Member S. Davis: "Ok, thank you."

Committee Member Farley: "Mr. Chairman?"

Chairman Call: "Mr. Farley?"

Committee Member Farley: "Micah, is there a lapse in service to any residents while this is going on?"

Mr. Miley: "There's a short lapse in service. You've got a period of about an hour to an hour and a half that it takes for the product to cure. Essentially, we've got enough storage capacity in our system to hold that and if not, our crews can by-pass pump around the section during the point."

Committee Member Farley: "Ok, thank you."

Chairman Call: "Anything else for Mr. Miley? Hearing none I'll call for the vote. All in favor say Aye (Ayes). All opposed, Nay (No Response). The Ayes have it, the necessary motion in order."

It was moved by Committee Member Farley and seconded by Committee Member S. Davis to **award** the contract for the **8" CIPP Sectional Point Repairs to Bio-Nomic Services Inc.** in the amount of **\$6,464.00**. The motion passed by unanimous voice vote of the Committee.

Chairman Call: "Nobody wants to adjourn?"

Committee Member S. Davis: "I move for adjournment."

Chairman Call: "I have a motion. Do I have a second?"

Committee Member Schurlknight: "Second."

Chairman Call: "I have a motion and a second. All in favor say Aye? (Ayes). All opposed, Nay? (No Response). The Ayes have it. We are adjourned."

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **adjourn** the Committee on Water & Sanitation Meeting. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:44 p.m.

May 14, 2012
Date Approved

COMMITTEE ON WATER AND SANITATION
(Standing Committee of Berkeley County Council)

Chairman: Mr. Robert O. Call, Jr., District No. 3

Members: Mr. Phillip Farley, District No. 1
Mrs. Cathy Davis, District No. 4
Mr. Jack H. Schurlknight, District No. 6
Mr. Steve C. Davis, District No. 8

Mr. Timothy J. Callanan, District No. 2, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Caldwell Pinckney, District No. 7, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **special meeting** of the **COMMITTEE ON WATER AND SANITATION**, Standing Committee of Berkeley County Council will be held on **Monday, February 27, 2012, at 6:01 p.m.**, following other scheduled committee meetings in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. Mr. Micah Miley, BCWS Director of Engineering, Re: 8" CIPP Sectional Point Repairs.**

February 22, 2012
S/Catherine R. Windham
Interim Clerk of County Council